



April 2, 2024

Sen. John Hoffman, Chair
Senate Human Services Committee
95 University Avenue W.
Minnesota Senate Bldg., Room 2111
St. Paul, MN 55155

RE: Senate Human Services Omnibus Policy Bill (S.F. 2443; A-5 DE Amendment)

Dear Chair Hoffman and members of the Senate Human Services Committee,

The Residential Providers Association of Minnesota ("RPAMN") is a non-profit trade association that represents small, residential customized living and waivers service providers in Minnesota. We are writing you to comment on the policy omnibus bill (S.F. 2443; A-5 DE Amendment).

First and foremost, we would like to express our gratitude for including a delay in the implementation of the Disability Waiver Rate System (DWRS) rate passthrough requirements and the language exempting licensed assisted living facilities (Article 1, Sections 17-18 of the A-5). RPAMN is committed to working with its members and organizational partners on education around cost reporting and seek guidance from the Department of Human Services (DHS) on how to account for these requirements when it is implemented. We appreciate the extension so that we can ensure small residential providers are not disproportionately impacted.

We would also like to take this opportunity to comment on other provisions of note that we have questions or concerns about. First, the language that requires the commissioner of health to take into consideration various determinations before issuing a new 144G assisted living (AL) license (Article 2, Section 25 of the A-5). This provision has broad language that could be interpreted in a way that allows municipalities to refuse new licenses for certain settings by claiming they do not have community resources available. Additionally, we believe this could put quite a burden on the Minnesota Department of Health (MDH) and DHS licensing teams. This also could complicate or impede on relocation efforts of small ALs who are attempting to get out of a precarious landlord situation (a change that the Legislature passed last year) because a relocation would require a "new" license and the Department would have to consider this language in allowing a small AL to move.

Lastly, one provision that RPAMN would like to offer feedback on is in regard to the restraint rules language for 144G licensed ALs. RPAMN appreciates the discussion regarding the potential inclusion of regulations governing the use of restraints in ALs but would like the committee to ensure the language in Chapter 144G is uniform to the language for Chapter 245D community residential settings (CRS). Many of RPAMN's members provide both Chapter 144G AL services and Chapter 245D CRS services and may have staff who work in multiple sites. For the purposes of training and compliance, RPAMN urges the committee to ensure that requirements in Chapter 144G reflect those in Chapter 245D so that staff and providers are not having to remember two different sets of rules and regulations based on which setting they are working in that day. This will ensure clarity and compliance.

RPAMN will continue to review the language, monitor as the bill changes throughout the process, and engage with this committee on any concerns or needed changes. We are grateful for the partnership with this committee throughout the legislative process and we are available as a resource if needed. Thank you for your ongoing work.

Sincerely,

Zahnia Harut, Board Chair
Residential Providers Association of Minnesota